

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JENNIFER BACA,

Plaintiff,

v.

CIV 15-0151 KG/KBM

ACE AMERICAN INSURANCE COMPANY,
GALLAGHER BASSETT SERVICES, INC.,
GENEX SERVICES, L.L.C.,
and MICHAEL RICHEY,

Defendants.

ORDER GRANTING GENEX'S MOTION FOR PROTECTIVE ORDER

THIS MATTER comes before the Court on Defendant GENEX's Motion for Protective Order (*Doc. 90*), which was filed January 19, 2016. The Court, having considered the motion, memoranda submitted by the parties and relevant law, finds the motion to be well taken.

In her First Amended Complaint, Plaintiff asserts a single claim for negligent misrepresentation against both GENEX and Mr. Richey. *Doc. 1-2 at ¶¶ 139-57*. It is clear from that pleading that GENEX could only be held liable if Mr. Richey can be held liable under a theory of negligent misrepresentation. In the context of a motion to remand this action to state court, however, Judge Gonzales determined that Plaintiff states no viable claim under New Mexico law for negligent misrepresentation against Mr. Richey. *Doc. 23*. Hence, the same rationale I used in granting a motion for protective order requested by Mr. Richie, (*Doc. 91*), equally applies to the instant motion.

Wherefore,

IT IS HEREBY ORDERED that GENEX's Motion for Protective Order is **granted**. Pursuant to Federal Rule of Civil Procedure 26(c), GENEX is not required to respond to discovery or appear for deposition until the Court has ruled on the pending motion to dismiss (*Doc. 6*) and motion to amend (*Doc. 26*).


UNITED STATES CHIEF MAGISTRATE JUDGE